

FISCAL NOTE

Bill #: HB0437

Title: Implementation of constitutional provisions on the environment

Primary Sponsor: Olson, A

Status: As Amended in Senate Committee

Sponsor signature	Date	Chuck Swysgood, Budget Director	Date
-------------------	------	---------------------------------	------

Fiscal Summary

	FY 2004 Difference	FY 2005 Difference
Expenditures:	\$0	\$0
Revenue:	\$0	\$0
Net Impact on General Fund Balance:	\$0	\$0

- | | |
|---|--|
| <input type="checkbox"/> Significant Local Gov. Impact | <input checked="" type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts |
| <input type="checkbox"/> Dedicated Revenue Form Attached | <input type="checkbox"/> Needs to be included in HB 2 |

Fiscal Analysis

ASSUMPTIONS:

1. This bill will change the venue for many judicial challenges to permit decisions from Lewis and Clark County to the county in which the permitted facility is located. This will necessitate travel costs for DEQ attorneys and witnesses. It is estimated that this cost will be approximately \$2,500 per year. DEQ will absorb this cost.

TECHNICAL NOTES:

1. The title of the bill, lines 17 and 18, still refers to extensions of timeframes upon issuance of an injunction even though these provisions have been stricken from the bill.
2. Section 22 amends 75-20-201, MCA, to provide requirement for judicial challenges to certificates issued under the Major Facility Siting Act (MFSA). Section 75-20-201, MCA, does not currently provide for judicial challenges.
3. Section 23 amends 75-20-401, MCA, of MFSA to provide requirements for a judicial challenge of a certificate. Section 75-20-401, MCA does not currently provide for judicial challenges to certificates. Judicial review of certificates is provided for in 75-20-406, MCA.
4. Section 24 adds to 75-20-406, MCA, the same requirements for judicial review as are added to 75-20-401, MCA, and 75-20-401 by Sections 22 and 23. Sections 22 and 23 may therefore create an alternative method of challenging certificates that is not currently provided in MFSA. Under this alternative, the certificate could be appealed to court directly rather than as a petition for judicial review of a Board of Environmental Review decision under the Montana Administrative Procedure Act.